Executive Summary – Enforcement Matter – Case No. 43378 Jackie C. Underwood dba Tire Outlet RN101858496, RN106260870, RN106247448, and RN106247612 Docket No. 2012-0195-MSW-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MSW

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Tire Outlet, 537 State Highway 114, Boyd, Wise County

Tire Outlet, 109 North Wilson Street, Boyd, Wise County

Tire Outlet, 1864 County Road 4764, Boyd, Wise County

Tire Outlet Storage Site, 908 East Rock Island Avenue, Boyd, Wise County

Type of Operation:

Scrap tire storage facility and tire disposal site

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but

does not wish to speak at Agenda.

Texas Register Publication Date: September 14, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$47,500

Amount Deferred for Expedited Settlement: \$9,500 **Amount Deferred for Financial Inability to Pay:** \$0

Total Paid to General Revenue: \$1,075 **Total Due to General Revenue:** \$36,925

Payment Plan: 35 payments of \$1,055 each

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - N/A Site/RN - N/A

Major Source (RN101858496, RN106247448, RN106260870): Yes

Major Source (RN106247612): No **Statutory Limit Adjustment:** N/A

Applicable Penalty Policy: September 2011

Executive Summary – Enforcement Matter – Case No. 43378 Jackie C. Underwood dba Tire Outlet RN101858496, RN106260870, RN106247448, and RN106247612 Docket No. 2012-0195-MSW-E

Investigation Information

Complaint Date(s): August 17, 2011

Complaint Information: Alleged that tires were being stockpiled at this location and

two other sites.

Date(s) of Investigation: September 22, 2011

Date(s) of NOE(s): December 16, 2011

Violation Information

- 1. At the Facility, failed to obtain a generator registration and scrap tire storage site registration for the Facility prior to storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in trailers, or in enclosed or lockable containers. Specifically, Respondent was storing approximately 2,800 used or scrap tires on the ground [30 Tex. Admin. Code §§ 328.56(a)(1) and (d)(2) and 328.60(a)].
- 2. At Site 1, failed to obtain a scrap tire storage site registration prior to storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in trailers, or in enclosed or lockable containers. Specifically, Respondent was storing approximately 800 used or scrap tires on the ground [30 Tex. Admin. Code § 328.60(a)].
- 3. At Site 2, failed to obtain a scrap tire storage site registration prior to storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in trailers, or in enclosed or lockable containers. Specifically, Respondent was storing approximately 3,000 used or scrap tires on the ground [30 Tex. ADMIN. CODE § 328.60(a)].
- 4. At Site 3, failed to prevent the unauthorized disposal of MSW. Specifically, approximately 30 cubic yards of scrap tires and three cubic yards of metal, plastic, brush piles, roofing shingles, and drums were disposed of at the Site [30 Tex. Admin. Code § 330.15(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require Respondent to:

- a. Immediately:
- i. Cease accepting any additional scrap tires at the Facility, Site 1, Site 2 and Site 3; and
- ii. Cease disposing of any additional MSW at Site ${\bf 3}.$

Executive Summary – Enforcement Matter – Case No. 43378 Jackie C. Underwood dba Tire Outlet RN101858496, RN106260870, RN106247448, and RN106247612 Docket No. 2012-0195-MSW-E

- b. Within 30 days:
- i. Obtain a generator registration for the Facility;
- ii. Obtain a scrap tire storage site registration or reduce the number of tires being stored on-site to 500 or less on the ground and/or 2,000 tires in enclosed and lockable containers at the Facility; and
- iii. Obtain a scrap tire storage site registration or reduce the number of tires being stored on-site to 500 or less on the ground and/or 2,000 tires in enclosed and lockable containers at Site 1 and Site 2.
- c. Within 60 days, remove all scrap tires and other MSW from Site 3 and dispose at an authorized facility.
- d. Within 75 days, submit written certification demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

Contact Information

TCEO Attorney: N/A

TCEQ Enforcement Coordinator: Thomas Greimel, Enforcement Division, Enforcement Team 7, MC 128, (512)239-5690; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

TCEO SEP Coordinator: N/A

Respondent: Jackie C. Underwood, Owner, Tire Outlet, P.O. Box 1525, Boyd, Texas

76023

Respondent's Attorney: Arturo D. Rodriguez, Russell & Rodriguez, L.L.P., 1633

Williams Drive, Georgetown, Texas 78628

Kerry Russell, Russell & Rodriguez, L.L.P., 1633 Williams Drive, Georgetown, Texas

78628

Penalty Calculation Worksheet (PCW) Policy Revision 3 (September 2011) PCW Revision August 3, 2011 Assigned 5-Jan-2012 Screening 17-Jan-2012 PCW 31-May-2012 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent Jackie C. Underwood dba Tire Outlet ("Facility") Reg. Ent. Ref. No. RN101858496 Major/Minor Source Major Facility/Site Region 4-Dallas/Fort Worth CASE INFORMATION Enf./Case ID No. 43378 No. of Violations 1 Docket No. 2012-0195-MSW-E Order Type 1660 Government/Non-Profit No Media Program(s) Municipal Solid Waste Enf. Coordinator Thomas Greimel Multi-Media Waste Tires EC's Team Enforcement Team 7 \$0 Admin. Penalty \$ Limit Minimum Maximum \$25,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$15,000 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Subtotals 2, 3, & 7 \$0 Compliance History 0.0% Enhancement No adjustment for compliance history. Notes 0.0% Enhancement Culpability No Subtotal 4 \$0 The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 \$0 **Economic Benefit** 0.0% Enhancement* Subtotal 6 Total EB Amounts \$470 *Capped at the Total EB \$ Amount Approx. Cost of Compliance \$10,000 SUM OF SUBTOTALS 1-7 \$15,000 OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% \$0 Reduces or enhances the Final Subtotal by the indicated percentage. Notes Final Penalty Amount \$15,000 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$15,000 Reduction Adjustment -\$3,000 20.0% Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Deferral offered for expedited settlement.

\$12,000

Notes

PAYABLE PENALTY

Docket No. 2012-0195-MSW-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Respondent Jackie C. Underwood dba Tire Outlet ("Facility")

Case ID No. 43378

Reg. Ent. Reference No. RN101858496

Media [Statute] Municipal Solid Waste

Enf. Coordinator Thomas Greimel

Component	ory <i>Site</i> Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Ple	ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per	centage (Sub	total 2)
at Violator (N/A		rcentage (Subt	total 3)
en ni en el se la la la cinitata de		comage (Sabi	
onance Histo	ry Person Classification (Subtotal 7)		
N/A	Adjustment Per	centage (Sub	total 7)
oliance Histo	ory Summary		
Compliance History Notes	No adjustment for compliance history.		
	Total Compliance History Adjustment Percentage (S	Subtotals 2, 3	3, & 7)
'ampliance l	listory Adjustment		

Screening Date		PCW
		Policy Revision 3 (September 2011)
Case ID No. Reg. Ent. Reference No.		PCW Revision August 3, 2011
	Municipal Solid Waste	Holoshia
Enf. Coordinator		
Violation Number		
Rule Cite(s)	30 Tex. Admin. Code §§ 328.56(a)(1) and (d)(2) and 328.60(a)	
Violation Description	Failed to obtain a generator registration and scrap tire storage site registration the Facility prior to storing more than 500 used or scrap tires on the group 2,000 used or scrap tires in trailers, or in enclosed or lockable contain Specifically, the Respondent was storing approximately 2,800 used or scrop the ground.	ound or ners.
	Base	Penalty \$25,000
	ty and Human Health Matrix	
>> Environmental, Proper	Harm	
Release	Major Moderate Minor	
OR Actual Potential	Percent 0.0%	•
i otericar _i	10.00 (10	
>>Programmatic Matrix		
Falsification	Major Moderate Minor x Percent 15.0%	
Matrix		
Notes	100% of the rule requirement was not met.	
<u> </u>	Adjustment	\$21,250
	Aujustinent	
annins.		\$3,750
Violation Events		
Number of V	violation Events 4 117 Number of violation d	avs
Manuser of the second	Total of Events	4 /5
mark only one with an x	daily weekly monthly quarterly semiannual annual single event	Penalty \$15,000
Four monthly	events are recommended from the investigation date of September 22, 201	1 to the
	January 17, 2012 screening date.	
Good Faith Efforts to Comp	DIY 0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer	\$0
uniiinteide	Extraordinary Extraordinary	
ummana.	Ordinary	
	N/A (mark with x)	
· ·	Notes The Respondent does not meet the good faith criteria for this violation.	
	Violation S	Subtotal \$15,000
r		
Economic Benefit (EB) for	·	
Estimate	ed EB Amount \$470 Violation Final Penal	
	This violation Final Assessed Penalty (adjusted for	flimits) \$15,000

	RN101858496 Municipal Solid					Percent Interest	Years of Depreciation
Violation No.	. 1					5.0	Depreciation 1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved		EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$10,000	22-Sep-2011	30-Aug-2012	0.94	\$470	n/a	\$470
Permit Costs Other (as needed)				0.94 0.00	\$470 \$0	n/a n/a	\$470 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated co	st to register the the investigatio	Facility as a gen n date. The Fin	0.94 0.00 erator al Date	\$470 \$0 and scrap tire stor is the estimated on gitem (except)	n/a n/a age facility. The Da date of compliance. for one-time avoid	\$470 \$0 ite Required is led costs)
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated co	st to register the the investigatio	Facility as a gen n date. The Fin	0.94 0.00 erator al Date nterir 0.00	\$470 \$0 and scrap tire store is the estimated of the individual of the store \$0	n/a n/a age facility. The Da date of compliance. for one-time avoid \$0	\$470 \$0 te Required is led costs) \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated co	st to register the the investigatio	Facility as a gen n date. The Fin	0.94 0.00 erator al Date nterir 0.00 0.00	\$470 \$0 and scrap tire stor is the estimated on gitem (except in \$0 \$0 \$0	n/a n/a age facility. The Da date of compliance. for one-time avoid	\$470 \$0 ite Required is led costs)
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel pection/Reporting/Sampling	Estimated co	st to register the the investigatio	Facility as a gen n date. The Fin	erator al Date nterir 0.00 0.00 0.00	\$470 \$0 and scrap tire stor is the estimated of gitem (except \$0 \$0	n/a n/a rage facility. The Da date of compliance. For one-time avoid \$0 \$0 \$0	\$470 \$0 ite Required is led costs) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	Estimated co	st to register the the investigatio	Facility as a gen n date. The Fin	0.94 0.00 erator al Date enterir 0.00 0.00 0.00 0.00	\$470 \$0 and scrap tire stor is the estimated of ig item (except 1 \$0 \$0 \$0	n/a n/a rage facility. The Da date of compliance. for one-time avoid \$0 \$0	\$470 \$0 te Required is ed costs) \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated co	st to register the the investigatio	Facility as a gen n date. The Fin	erator al Date nterir 0.00 0.00 0.00	\$470 \$0 and scrap tire stor is the estimated of the estimated of the estimated of the estimated of \$0 \$0 \$0 \$0 \$0	n/a n/a n/a rage facility. The Da date of compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0	\$470 \$0 ste Required is led costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	Estimated co	st to register the the investigatio	Facility as a gen n date. The Fin	0.94 0.00 erator al Date nterir 0.00 0.00 0.00 0.00	\$470 \$0 and scrap tire stor is the estimated of ig item (except 1 \$0 \$0 \$0	n/a n/a n/a rage facility. The Da date of compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$470 \$0 ste Required is ed costs) \$0 \$0 \$0 \$0 \$0

Compliance History Report

Rating:

Site Rating:

R04101858496

	COM	phance mistory	Report
Customer/Respondent/Owner-Operator:	CN603970682	Underwood, Jackie C.	Classification:
Regulated Entity:	RN101858496	Tire Outlet	Classification:
ID Number(s):	MUNICIPAL SO PERMITTED	OLID WASTE NON	ID NUMBER
Location:	537 STATE HWY	114, BOYD, TX, 76023	
TCEQ Region:	REGION 04 - DF	W METROPLEX	
Date Compliance History Prepared:	January 26, 2012		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	January 26, 2007	to January 26, 2012	
TCEQ Staff Member to Contact for Additional Info	rmation Regarding	this Compliance History	
Name: Thomas Greimel	Ph	none: (512) 239-569	0
 Has the site been in existence and/or operation Has there been a (known) change in ownership. If YES, who is the current owner/operator? 	operator of the site	during the compliance per	iod? NO
4. If YES, who was/were the prior owner(s)/operate	tor(s)?	N/A	
5. If YES, when did the change(s) in owner or ope	erator occur?	N/A	
6. Rating Date: N/A Repeat Violator:	N/A		
Final Enforcement Orders, court judgments N/A Any criminal convictions of the state of Tex N/A			nd the federal government.
C. Chronic excessive emissions events.			
N/A			
D. The approval dates of investigations. (CCE 1 12/13/2011 (95632)	
E. Written notices of violations (NOV). (CCED	S Inv. Track. No.)		
N/A			
F. Environmental audits.			
N/A			
G. Type of environmental management system N/A	ms (EMSs).		
H. Voluntary on-site compliance assessment	dates.		
N/A			
I. Participation in a voluntary pollution reduction	on program.		
N/A			
J. Early compliance.			
N/A			
Sites Outside of Texas			

N/A

•			
	•		

Penalty Calculation Worksheet (PCW) Policy Revision 3 (September 2011) PCW Revision August 3, 2011 Assigned 19-Dec-2011 Screening 17-Jan-2012 PCW 31-May-2012 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent Jackie C. Underwood dba Tire Outlet ("Site 1" Reg. Ent. Ref. No. RN106260870 Major/Minor Source Major Facility/Site Region 4-Dallas/Fort Worth CASE INFORMATION Enf./Case ID No. 43378 No. of Violations 1 Docket No. 2012-0195-MSW-E Order Type 1660 Media Program(s) Municipal Solid Waste Government/Non-Profit No **Enf. Coordinator** Thomas Greimel Multi-Media Waste Tires EC's Team Enforcement Team Admin. Penalty \$ Limit Minimum \$0 Maximum \$25,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$15,000 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** 0.0% Enhancement Subtotals 2, 3, & \$0 No adjustment for compliance history. Notes 0.0% Enhancement Subtotal 4 \$0 Culpability No The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 0.0% Enhancement* Subtotal 6 \$0 **Economic Benefit** Total EB Amounts Capped at the Total EB \$ Amount \$470 Approx. Cost of Compliance SUM OF SUBTOTALS 1-7 Final Subtotal \$15,000 \$0 OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment Reduces or enhances the Final Subtotal by the indicated percentage. Notes

STATUTORY LIMIT ADJUSTMENT

Notes

PAYABLE PENALTY

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g.

Final Penalty Amount

Final Assessed Penalty

Reduction Adjustment

20.0%

Deferral offered for expedited settlement.

\$15,000

\$15,000

-\$3,000

\$12,000

Docket No. 2012-0195-MSW-E

PCW
Policy Revision 3 (September 2011)

Respondent Jackie C. Underwood dba Tire Outlet ("Site 1")

Case ID No. 43378

Reg. Ent. Reference No. RN106260870

Media [Statute] Municipal Solid Waste **Enf. Coordinator** Thomas Greimel

PCW Revision August 3, 2011

Compliance History Worksheet

Component	ory Site Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
100 mg (100 mg 100 mg (100 mg)))))))))))))))))))))))))))))))))))	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)		0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	 A STATE OF THE PROPERTY OF THE PR	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
		ease Enter Yes or No	Г
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
eat Violator (Adjustment Per		
***************************************	ory Person Classification (Subtotal 7)		
N/A	Adjustment Per	centage (SUD	iotai /)
pliance Histo	ory Summary		
Compliance History Notes	No adjustment for compliance history.		
	Total Compliance History Adjustment Percentage (S History Adjustment	Subtotals 2, .	3, & 7

Screening Date		PCW
Case ID No.	13378	cy Revision 3 (September 2011) PCW Revision August 3, 2011
Reg. Ent. Reference No. Media [Statute]		
Enf. Coordinator		
Rule Cite(s)		
	30 Tex. Admin. Code § 328.60(a)	
and the state of t	Failed to obtain a scrap tire storage site registration prior to storing more than	n 500
Violation Description	used or scrap tires on the ground or 2,000 used or scrap tires in trailers, or enclosed or lockable containers. Specifically, the Respondent was storing	
	approximately 800 used or scrap tires on the ground.	
	Page De	Ib-
	Base Pe	nalty \$25,000
>> Environmental, Propert	y and Human Health Matrix Harm	
Release Actual	Major Moderate Minor	
Potential	Percent 0.0%	:
>>Programmatic Matrix		
Falsification	Major Moderate Minor X Percent 15.0%	
Matrix Notes	100% of the rule requirement was not met.	
\$25, HIIII II CARINI II NA		
	Adjustment \$2	1,250
		\$3,750
Violation Events		
Number of Vi	olation Events 4 117 Number of violation days	return (QUIVO)
· · · · · · · · · · · · · · · · · · ·	daily ENTREMES	
	weekly monthly x	vaccontraction
mark only one with an x	quarterly Willemann Violation Base Persemiannual Willemann	nalty \$15,000
	annual annual annual	
	single event	
Four monthly	events are recommended from the September 22, 2011 investigation date to	the
	January 17, 2012 screening date.	
Good Faith Efforts to Comp		\$0
	Before NOV NOV to EDPRP/Settlement Offer Extraordinary	
'	Ordinary N/A X: (mark with x)	
	The Respondent does not meet the good faith criteria for	
	Notes this violation.	
	Violation Sub	total \$15,000
Economic Benefit (EB) for t		
	I EB Amount \$470 Violation Final Penalty	
ESUMATE	This violation Final Assessed Penalty (adjusted for lin	
	i ins violation rinal Assessed relially (adjusted for ill	mes/[\$15,000]

		conomic	Renetit	WO	rksheet		
Respondent	Jackie C. Unde	rwood dba Tire O	utlet ("Site 1")	2000000000000000			
Case ID No.	43378						
Rea. Ent. Reference No.	RN106260870						
	Municipal Solid					Percent Interest	Years of
Violation No.						Leifent Tuferest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
5 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction			33.3	0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$10,000	22-Sep-2011	30-Aug-2012		\$470	n/a	\$470
				8 0 00 1			2.0
Other (as needed)		ant to contint ou th		0.00	\$0	n/a	\$0
Notes for DELAYED costs		date.	The Final Date i	tire st s the es	orage site. The D stimated date of co	ate Required is the ompliance.	investigation
Notes for DELAYED costs Avoided Costs		date.	The Final Date i	tire st s the es	orage site. The D stimated date of co	ate Required is the ompliance.	investigation
Notes for DELAYED costs Avoided Costs Disposal		date.	The Final Date i	tire st s the es enterir	corage site. The Distimated date of congressions of the congression of	ate Required is the ompliance.	investigation
Notes for DELAYED costs Avoided Costs Disposal Personnel		date.	The Final Date i	enterir	orage site. The D stimated date of co or item (except of \$0 \$0	rate Required is the compliance. For one-time avoid \$0 \$0	investigation led costs) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling		date.	The Final Date i	enterir	corage site. The Distimated date of congressions of the state of the s	rate Required is the ompliance. for one-time avoic \$0 \$0 \$0 \$0	investigation led costs) \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment		date.	The Final Date i	enterir	orage site. The D stimated date of co or item (except of \$0 \$0	rate Required is the compliance. For one-time avoid \$0 \$0	investigation led costs) \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		date.	The Final Date i	o tire st s the es enterir 0.00 0.00 0.00	orage site. The Distimated date of congression (except to \$0	ate Required is the ompliance. for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0	led costs) \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment		date.	The Final Date i	enterir 0.00 0.00 0.00 0.00	corage site. The Distimated date of congress of the congress o	rate Required is the compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	led costs) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		date.	The Final Date i	enterir 0.00 0.00 0.00 0.00 0.00	corage site. The Distimated date of congression of the congression of	rate Required is the compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		date.	The Final Date i	enterir 0.00 0.00 0.00 0.00 0.00	corage site. The Distimated date of congression of the congression of	rate Required is the compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		date.	The Final Date i	enterir 0.00 0.00 0.00 0.00 0.00	corage site. The Distimated date of congression of the congression of	rate Required is the compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		date.	The Final Date i	enterir 0.00 0.00 0.00 0.00 0.00	corage site. The Distimated date of congression of the congression of	rate Required is the compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		date.	The Final Date i	enterir 0.00 0.00 0.00 0.00 0.00	corage site. The Distimated date of congression of the congression of	rate Required is the compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		date.	The Final Date i	enterir 0.00 0.00 0.00 0.00 0.00	corage site. The Distimated date of conglitem (except is 0 so	rate Required is the compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		date.	The Final Date i	enterir 0.00 0.00 0.00 0.00 0.00	corage site. The Distimated date of congression of the congression of	rate Required is the compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	

Compliance History Report CN603970682 Underwood, Jackie C. Classification: Customer/Respondent/Owner-Operator: RN106260870 Tire Outlet Classification: Regulated Entity: MUNICIPAL SOLID WASTE NON **ID NUMBER** ID Number(s): **PERMITTED** 109 N WILSON ST, BOYD, TX, 76023 Location: **REGION 04 - DFW METROPLEX** TCEQ Region: Date Compliance History Prepared: January 26, 2012 Agency Decision Requiring Compliance History: Enforcement January 26, 2007 to January 26, 2012 Compliance Period: TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History (512) 239-5690 Name: Thomas Greimel **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? NO 2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO N/A 3. If YES, who is the current owner/operator? 4. If YES, who was/were the prior owner(s)/operator(s)? N/A Rating Date: N/A Repeat Violator: N/A Components (Multimedia) for the Site: Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government. B. Any criminal convictions of the state of Texas and the federal government. Chronic excessive emissions events. The approval dates of investigations. (CCEDS Inv. Track. No.) D. 1 12/13/2011 (958794)Written notices of violations (NOV). (CCEDS Inv. Track. No.) E. N/A F. Environmental audits. N/A Type of environmental management systems (EMSs). G. Voluntary on-site compliance assessment dates. H. Participation in a voluntary pollution reduction program. N/A Early compliance. J.

Rating:

Site Rating:

R041062608

Sites Outside of Texas N/A

N/A

Penalty Calculation Worksheet (PCW) PCW Revision August 3, 2011 Policy Revision 3 (September 2011) Assigned 19-Dec-2011 PCW 24-Jan-2012 Screening 17-Jan-2012 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent Jackie C. Underwood dba Tire Outlet ("Site 2" Reg. Ent. Ref. No. RN106247448 Facility/Site Region 4-Dallas/Fort Worth Major/Minor Source Major CASE INFORMATION Enf./Case ID No. 43378 No. of Violations 1 Order Type 1660 Docket No. 2012-0195-MSW-E Government/Non-Profit No Media Program(s) Municipal Solid Waste Enf. Coordinator Thomas Greimel Multi-Media Waste Tires EC's Team Enforcement Team 7 Maximum \$25,000 Admin. Penalty \$ Limit Minimum Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$15,000 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** 0.0% Enhancement Subtotals 2, 3, & 7 \$0 No adjustment for compliance history. Notes Subtotal 4 \$0 Culpability No 0.0% Enhancement The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 0.0% Enhancement* Subtotal 6 \$0 **Economic Benefit** Total EB Amounts *Capped at the Total EB \$ Amount \$470 Approx. Cost of Compliance \$10,000 \$15,000 SUM OF SUBTOTALS 1-7 Final Subtotal 0.0% \$0 OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment Reduces or enhances the Final Subtotal by the indicated percentage Notes

STATUTORY LIMIT ADJUSTMENT

Notes

PAYABLE PENALTY

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Deferral offered for expedited settlement.

Final Penalty Amount

Final Assessed Penalty

Reduction Adjustment

20.0%

\$15,000

\$15,000

-\$3,000

\$12,000

PCW

Policy Revision 3 (September 2011) PCW Revision August 3, 2011

Respondent Jackie C. Underwood dba Tire Outlet ("Site 2")

Case ID No. 43378

Reg. Ent. Reference No. RN106247448 Media [Statute] Municipal Solid Waste

Enf. Coordinator Thomas Greimel

Component	ry Site Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	•	0%
	,	ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per	centage (Sub	total 2)
eat Violator (Subtotal 3)		
N/A	Adjustment Per	centage (Sub	total 3)
pliance Histo	ry Person Classification (Subtotal 7)		
N/A	Adjustment Per	centage (Sub	total 7)
pliance Histo	ry Summary		
Compliance History Notes	No adjustment for compliance history.		
	Total Compliance History Adjustment Percentage (S	Subtotals 2, 3	3, & 7) [

Screening Date		PCW
Case ID No.		Policy Revision 3 (September 2011) PCW Revision August 3, 2011
Reg. Ent. Reference No.		,
	Municipal Solid Waste	
Enf. Coordinator Violation Number		
Rule Cite(s)	30 Tex. Admin. Code § 328.60(a)	
Violation Description	Failed to obtain a scrap tire storage site registration for the Site prior to more than 500 used or scrap tires on the ground or 2,000 used or scrap trailers, or in enclosed or lockable containers. Specifically, the Responde storing approximately 3,000 used or scrap tires on the ground.	tires in
	Base	Penalty \$25,000
>> Environmental, Proper	ty and Human Health Matrix	
	Harm	***************************************
Release OR Actual	Major Moderate Minor	
Potential	Percent 0.0%	***************************************
>>Programmatic Matrix		MANANANANANANANANANANANANANANANANANANAN
Falsification	Major Moderate Minor	
	Percent 15.0%	
Matrix	100% of the rule requirement was not met.	
Notes		
	Adjustment	\$21,250
	Aujustment	\$21,230
		\$3,750
Violation Events		

Number of V	/iolation Events 4 117 Number of violation d	ays
mark only one with an x	daily weekly control of the control	Penalty \$15,000
Four monthly	events are recommended from the investigation date of September 22, 201 January 17, 2012 screening date.	11 to the
Good Faith Efforts to Com		\$0
	Before NOV NOV to EDPRP/Settlement Offer Extraordinary	WOODER CO.
	Ordinary	
	N/A (mark with x)	
	Notes The Respondent does not meet the good faith criteria for this violation.	
	Violation S	Subtotal \$15,000
Economic Benefit (EB) for	this violation Statutory Limit '	Test
Estimate	ed EB Amount \$470 Violation Final Penal	ty Total \$15,000
	This violation Final Assessed Penalty (adjusted for	r limits) \$15,000

	330200033334433333334400001	conomic		48333348833833	rksneet		
		erwood dba Tìre O	utlet ("Site 2")				
Case ID No.							
ea, Ent. Reference No.	85						
Media	Municipal Solid	f Waste				Percent Interest	Years of
Violation No.	1			entertertert of the field of a law and a			Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	i. No commac or \$	•					
	no commo or p						
Delaved Costs	•						
Equipment	I	I I		T 0.00	s0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	22-Sep-2011	30-Aug-2012	0.94	\$470	n/a l	\$470
						ALL MANAGEMENT OF THE STATE OF	
Notes for DELAYED costs		date. 1	The Final Date	s the e	stimated date of c		
Avoided Costs		date. 1	The Final Date	s the e	stimated date of co	ompliance. for one-time avoic	led costs)
Avoided Costs		date. 1	The Final Date	s the e	stimated date of co ng item (except i \$0	ompliance. For one-time avoid \$0	led costs) \$0
Avoided Costs Disposal Personnel		date. 1	The Final Date	s the e enterin 0.00	stimated date of co ng item (except \$0 \$0	ompliance. For one-time avoic \$0 \$0	led costs) \$0 \$0
Avoided Costs Disposal Personnel pection/Reporting/Sampling		date. 1	The Final Date	s the entering 0.00 0.00 0.00	stimated date of congressions of the state o	ompliance. for one-time avoic \$0 \$0 \$0	\$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Pection/Reporting/Sampling Supplies/equipment		date. 1	The Final Date	enterin 0.00 0.00 0.00 0.00	stimated date of congressions	ompliance. for one-time avoic \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		date. 1	The Final Date	enterin 0.00 0.00 0.00 0.00 0.00	stimated date of congressions	ompliance. for one-time avoic \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		date. 1	The Final Date	enterin 0.00 0.00 0.00 0.00	stimated date of congressions	ompliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		date. 1	The Final Date	enterin 0.00 0.00 0.00 0.00 0.00	stimated date of co ng item (except \$0 \$0 \$0 \$0 \$0 \$0	ompliance. for one-time avoic	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		date. 1	The Final Date	enterin 0.00 0.00 0.00 0.00 0.00	stimated date of co ng item (except \$0 \$0 \$0 \$0 \$0 \$0	ompliance. for one-time avoic	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		date. 1	The Final Date	enterin 0.00 0.00 0.00 0.00 0.00	stimated date of co ng item (except \$0 \$0 \$0 \$0 \$0 \$0	ompliance. for one-time avoic	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		date. 1	The Final Date	enterin 0.00 0.00 0.00 0.00 0.00	stimated date of co ng item (except \$0 \$0 \$0 \$0 \$0 \$0	ompliance. for one-time avoic	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		date. 1	The Final Date	enterin 0.00 0.00 0.00 0.00 0.00	stimated date of co ng item (except \$0 \$0 \$0 \$0 \$0 \$0	ompliance. for one-time avoic	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		date. 1	The Final Date	enterin 0.00 0.00 0.00 0.00 0.00	stimated date of co ng item (except \$0 \$0 \$0 \$0 \$0 \$0	ompliance. for one-time avoic	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Rating:

Site Rating:

R04106247448

	Comp	liance History Re	eport
Customer/Respondent/Owner-Operator:	CN603970682	Underwood, Jackie C.	Classification:
Regulated Entity:	RN106247448	Tire Outlet	Classification:
ID Number(s):	MUNICIPAL SOI PERMITTED	LID WASTE NON	ID NUMBER
Location:		OAD 4764, BOYD, TX, 76023	
TCEQ Region:	REGION 04 - DFV	V METROPLEX	
Date Compliance History Prepared:	January 26, 2012		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	January 26, 2007	to January 26, 2012	
TCEQ Staff Member to Contact for Additional Inform	nation Regarding thi	s Compliance History	
Name: Thomas Greimel	Pho	one: (512) 239-5690	
Has the site been in existence and/or operation for Has there been a (known) change in ownership/o	or the full five year c		ents NO NO
		N/A	,
3. If YES, who is the current owner/operator?		IN/CS	
4. If YES, who was/were the prior owner(s)/operator	r(s)?	N/A	
5. If YES, when did the change(s) in owner or opera	ator occur?	N/A	
6. Rating Date: N/A Repeat Violator:	N/A		
Components (Multimedia) for the Site : A. Final Enforcement Orders, court judgments, N/A B. Any criminal convictions of the state of Texas			e federal government.
N/A			
C. Chronic excessive emissions events.			
N/A D. The approval dates of investigations. (CCED	S Inv. Trook No.)		
D. The approval dates of investigations. (CCED 1 12/13/2011 (95879.			
E. Written notices of violations (NOV). (CCEDS	•		
F. Environmental audits.			
N/A			
G. Type of environmental management systems N/A	s (EMSs).		
H. Voluntary on-site compliance assessment da	ites.		
N/A			
I. Participation in a voluntary pollution reduction	program.		
N/A			
J. Early compliance.			
N/A Sites Outside of Texas			

N/A



Penalty Calculation Worksheet (PCW) Policy Revision 3 (September 2011) PCW Revision August 3, 2011 Assigned 19-Dec-2011 Screening 17-Jan-2012 PCW 24-Jan-2012 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent Jackie C. Underwood dba Tire Outlet ("Site 3" Reg. Ent. Ref. No. RN106247612 Facility/Site Region 4-Dallas/Fort Worth Major/Minor Source Minor CASE INFORMATION Enf./Case ID No. 43378 No. of Violations 1 Order Type 1660 Docket No. 2012-0195-MSW-E Media Program(s) Municipal Solid Waste Government/Non-Profit No Multi-Media Waste Tires Enf. Coordinator Thomas Greimel EC's Team Enforcement Team 7 Admin. Penalty \$ Limit Minimum Maximum \$25,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$2,500 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** Subtotals 2, 3, & 7 \$0 0.0% Enhancement No adjustment for compliance history. Notes Culpability No Subtotal 4 0.0% Enhancement \$0 The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 0.0% Enhancement* Subtotal 6 \$0 **Economic Benefit** Total EB Amounts *Capped at the Total EB \$ Amount Approx. Cost of Compliance SUM OF SUBTOTALS 1-7 \$2,500 \$0 OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Reduces or enhances the Final Subtotal by the indicated percentage Notes Final Penalty Amount \$2,500 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$2,500 -\$500 20.0% Reduction Adjustment Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Deferral offered for expedited settlement.

\$2,000

Notes

PAYABLE PENALTY

Docket No. 2012-0195-MSW-E

PCW Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Respondent Jackie C. Underwood dba Tire Outlet ("Site 3")

Case ID No. 43378

Reg. Ent. Reference No. RN106247612

Enf. Coordinator Thomas Greimel

Media [Statute] Municipal Solid Waste

Component	ory Site Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Ple	ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
OG (G	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per	centage (Sub	total 2)
at Violator (
N/A	Adjustment Per	centage (Sub	total 3)
oliance Histo	ry Person Classification (Subtotal 7)		
N/A	Adjustment Per	centage (Sub	total 7)
oliance Histo	ny Summary		
Compliance History Notes	No adjustment for compliance history.		
	Total Compliance History Adjustment Percentage (S	Subtotals 2. 3	3. & 7)

Screening Date	17-Jan-2012 Docket No. 2012-0195-MSW-E	PCW
	•	Policy Revision 3 (September 2011)
Case ID No.		PCW Revision August 3, 2011
Reg. Ent. Reference No.		***************************************
	Municipal Solid Waste	**************************************
Enf. Coordinator Violation Number		***************************************
Violation Number		misesuscell.
Rule Cite(s)	30 Tex. Admin. Code § 330.15(c)	1111631110311104 11116311111111111111111111111111111111
And		
	Failed to prevent the unauthorized disposal of municipal solid waste. Spe	
Violation Description	approximately 30 cubic yards of scrap tires and three cubic yards of metal	
	brush piles, roofing shingles, and drums were disposed of at the Sit	
	_	
unda	Base	Penalty \$25,000
N. Engineenmental Droner	ty and Human Health Matrix	· · · · · · · · · · · · · · · · · · ·
>> chvirolimental, Froper	Harm	www.
Release	Major Moderate Minor	and the second s
OR Actual		Section 1
Potential	Percent 5.0%	

>> Programmatic Matrix Falsification	Major Moderate Minor	***************************************
raisincation	Percent 0.0%	· ·
<u> </u>		and the second s
Matrix The environ	ment has been exposed to insignificant amounts of pollutants which do not	exceed
Notes levels that are	protective of human health or environmental receptors as a result of the v	loiation.
<u> </u>		
	Adjustment	\$23,750
		\$1,250
		\$1,230
Violation Events		
Number of \	/iolation Events 2 117 Number of violation de	ays
	3.4	
лимини дентини дентин	daily	
The state of the s	weekly monthly monthly	
mark only one	quarterly x Violation Base	Penalty \$2,500
with an x	semiannual	· · · · · · · · · · · · · · · · · · ·
	annual	i.b.
	single event	
Two quarterly	events are recommended from the investigation ending on September 22,	2011 to
	the January 17, 2012 screening date.	
Good Faith Efforts to Com	oly 0.0% Reduction	\$0
Good Falth Ellons to Com	Before NOV NOV to EDPRP/Settlement Offer	TT
	Extraordinary	AU DAMAS
	Ordinary	
	N/A x (mark with x)	THE COLUMN TO TH
andropers	The Respondent does not meet the good faith criteria for	
	Notes this violation.	
	ans yourse	-
		43.500
- Commence of the Commence of	Violation S	Subtotal \$2,500
Economic Benefit (EB) for	this violation Statutory Limit 1	l'est .
Estimate	ed EB Amount \$29 Violation Final Penal	ty Total \$2,500
	This violation Final Assessed Penalty (adjusted for	limits) \$2,500
	inis violation i iliai Assesseu Feliaity (aujusteu ioi	e) \$2,5001

	E	conomic	Benefit	Wo	rksheet		
Respondent	Jackie C. Unde	erwood dba Tire C	Outlet ("Site 3")				
Case ID No.			,				
ea. Ent. Reference No.		•					
	Municipal Solid						Years of
	i i	J Wasie				Percent Interest	Depreciation
Violation No.	T						
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$567	22-Sep-2011	30-Sep-2012	1.02	\$29	n/a	\$29
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)		<u> </u>		0.00	\$0	l n/a l	\$0
Notes for DELAYED costs	from the Site	and dispose of it F	at an authorize inal Date is the	d facilit estimal	y. The Date Requ ed date of compli		tion date. The
Avoided Costs	ANNUAL	IZE [1] avoided	costs before	***********		for one-time avoid	
Disposal		<u> </u>		0.00	\$0	\$0	\$0
Personnel		 		0.00	\$0 #0	\$0 *0	<u>\$0</u>
spection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/equipment	222			0.00	\$0 \$0	\$0 \$0	\$0 \$0
Financial Assurance [2] ONE-TIME avoided costs [3]				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0 \$0	\$0 \$0
Other (as needed)				10.001			
Notes for AVOIDED costs							
·		\$567					

Compliance History Report

Customer/Respondent/Owner-Operator:	CN603970682	Underwood, Jackie C.	Classification	Rating:
Regulated Entity:	RN106247612	Tire Outlet Storage Site	Classification	Site Rating:
D Number(s):	MUNICIPAL SC PERMITTED	LID WASTE NON	ID NUMBER	R04106247612
ocation:	908 E ROCK ISL	AND AVE, BOYD, TX, 76023		
CEQ Region:	REGION 04 - DF	W METROPLEX		
Date Compliance History Prepared:	January 26, 2012			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	January 26, 2007	to January 26, 2012		
CEQ Staff Member to Contact for Additional Info	rmation Regarding	his Compliance History		
Name: Thomas Greimel	Ph	one: (512) 239-5690		
. Has the site been in existence and/or operation 2. Has there been a (known) change in ownership	for the full five year		NO	
3. If YES, who is the current owner/operator?		N/A		
I. If YES, who was/were the prior owner(s)/opera	tor(s)?	N/A		
i. If YES, when did the change(s) in owner or ope	erator occur?	N/A		*
Rating Date: N/A Repeat Violator:	N/A			
A. Final Enforcement Orders, court judgment N/A			the federal government.	
Any criminal convictions of the state of Tex	cas and the federal (government.		
C. Chronic excessive emissions events.				
N/A				
D. The approval dates of investigations. (CCE 1 12/13/11 (9	EDS Inv. Track. No.) 58798)			
 Written notices of violations (NOV). (CCEL N/A 	OS Inv. Track. No.)		4 -	
Environmental audits.				
G. Type of environmental management syste N/A	ms (EMSs).			
Voluntary on-site compliance assessment	dates			•
N/A	adioo.			
Participation in a voluntary pollution reduction	on program.			
N/A	• •			
. Early compliance.				
N/A				
sites Outside of Texas				
N/A				

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	Š	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
JACKIE C. UNDERWOOD DBA	§	TEXAS COMMISSION ON
TIRE OUTLET	§	
RN101858496, RN106260870,	§	
RN106247448, AND	§	
RN106247612	§	ENVIRONMENTAL OUALITY

AGREED ORDER DOCKET NO. 2012-0195-MSW-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Jackie C. Underwood dba Tire Outlet ("the Respondent") under the authority of Tex. Health & Safety Code ch. 361 and Tex. Water Code ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, represented by Mr. Arturo D. Rodriguez and Mr. Kerry Russell of the law firm Russell & Rodriquez, L.L.P., appear before the Commission and together stipulate that:

- 1. The Respondent operates a scrap tire sales and scrap tire storage facility at 537 State Highway 114 in Boyd, Wise County, Texas (the "Facility"), operates a scrap tire storage and unauthorized municipal solid waste ("MSW") disposal site at 109 North Wilson Street in Boyd, Wise County, Texas ("Site 1"), owns a scrap tire storage site at 1864 County Road 4764 in Boyd, Wise County, Texas ("Site 2"), and owns a scrap tire and an unauthorized MSW disposal site at 908 East Rock Island Avenue in Boyd, Wise County, Texas ("Site 3").
- 2. The Facility and Sites involve or involved the management of MSW as defined in Tex. Health & Safety Code ch. 361.
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.

- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 21, 2011.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Forty-Seven Thousand Five Hundred Dollars (\$47,500) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Seventy-Five Dollars (\$1,075) of the administrative penalty and Nine Thousand Five Hundred Dollars (\$9,500) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the penalty payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Thirty-Six Thousand Nine Hundred Twenty-Five Dollars (\$36,925) of the administrative penalty shall be payable in 35 monthly payments of One Thousand Fifty-Five Dollars (\$1,055) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As operator of the Facility and Site 1 and owner of Site 2 and Site 3, the Respondent is alleged to have:

- 1. At the Facility, failed to obtain a generator registration and scrap tire storage site registration for the Facility prior to storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in trailers, or in enclosed or lockable containers, in violation of 30 Tex. Admin. Code §§ 328.56(a)(1) and (d)(2) and 328.60(a), as documented during an investigation conducted on September 22, 2011. Specifically, the Respondent was storing approximately 2,800 used or scrap tires on the ground.
- 2. At Site 1, failed to obtain a scrap tire storage site registration prior to storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in trailers, or in enclosed or lockable containers, in violation of 30 Tex. ADMIN. Code § 328.60(a), as documented during an investigation conducted on September 22, 2011. Specifically, the Respondent was storing approximately 800 used or scrap tires on the ground.
- 3. At Site 2, failed to obtain a scrap tire storage site registration prior to storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in trailers, or in enclosed or lockable containers, in violation of 30 Tex. Admin. Code § 328.60(a), as documented during an investigation conducted on September 22, 2011. Specifically, the Respondent was storing approximately 3,000 used or scrap tires on the ground.
- 4. At Site 3, failed to prevent the unauthorized disposal of MSW, in violation of 30 Tex. ADMIN. Code § 330.15(c), as documented during an investigation conducted on September 22, 2011. Specifically, approximately 30 cubic yards of scrap tires and three cubic yards of metal, plastic, brush piles, roofing shingles, and drums were disposed of at the Site.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Jackie C. Underwood dba Tire Outlet, Docket No. 2012-0195-MSW-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order:
 - i. Cease accepting any additional scrap tires at the Facility, Site 1, Site 2 and Site 3; and
 - ii. Cease disposing of any additional MSW at Site 3.
 - b. Within 30 days after the effective date of this Agreed Order:
 - i. Obtain a generator registration for the Facility, in accordance with 30 TEX. ADMIN. CODE § 328.56;
 - Obtain a scrap tire storage site registration or reduce the number of tires being stored on-site to 500 or less on the ground and/or 2,000 tires in enclosed and lockable containers at the Facility, in accordance with 30 Tex. Admin. Code § 328.60; and
 - iii. Obtain a scrap tire storage site registration or reduce the number of tires being stored on-site to 500 or less on the ground and/or 2,000 tires in enclosed and lockable containers at Site 1 and Site 2, in accordance with 30 Tex. Admin. Code § 328.60.
 - c. Within 60 days after the effective date of this Agreed Order, remove all scrap tires and other MSW from Site 3 and dispose at an authorized facility.
 - d. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Jackie C. Underwood dba Tire Outlet DOCKET NO. 2012-0195-MSW-E Page 5

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Waste Section Manager Dallas/Fort Worth Regional Office Texas Commission on Environmental Quality 2309 Gravel Drive Fort Worth, Texas 76118-6951

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility and Sites operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and

Jackie C. Underwood dba Tire Outlet DOCKET NO. 2012-0195-MSW-E Page 6

accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under Tex. Bus. Org. Code § 1.002.

8. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
Pom Jani For the Executive Director	10/3/12
For the Executive Director (/	Date
I, the undersigned, have read and understand the agree to the attached Agreed Order on behalf of do agree to the terms and conditions specified the accepting payment for the penalty amount, is many	the entity indicated below my signature, and erein. I further acknowledge that the TCEQ, in
additional penalties, and/or attorney fees,Increased penalties in any future enforcen	may result in: as submitted; ceneral's Office for contempt, injunctive relief, or to a collection agency; nent actions; ral's Office of any future enforcement actions y law.
Signature Mushusu	6-3 9 -12 Date
Tackie C Underwood Name (Printed or typed) Authorized Representative of Jackie C. Underwood dba Tire Outlet	Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.